

# **CITY OF FREMONT NEBRASKA**

## **CITY COUNCIL MEETING MINUTES**

**July 30, 2019**

**City Council Chambers 400 East Military, Fremont NE**

**REGULAR MEETING – 7:00 P.M.**

**PUBLIC COMMENT – 6:30 P.M.**

### **AGENDA**

#### **REGULAR MEETING:**

1. Meeting called to order. After Public Comment and the Pledge of Allegiance, the Mayor called the meeting of the City Council to order and stated that a copy of the open meeting law is posted continually for public inspection located near the entrance door by the agendas.
2. Roll call. Roll call showed Council Members McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus and Legband present. Kuhns absent. 7 Councilmembers present.
3. Mayor comments

(There will be no discussion from the Council or the public regarding comments made by the Mayor. Should anyone have questions regarding the comments, please contact the Mayor after the meeting)

#### **UNFINISHED BUSINESS: requires individual associated action**

26. Resolution 2019-100 Policy for Individual Sewer Connections. Council Member Legband moved, seconded by Council Member McClain to continue the item to the first meeting in September 2019. Ayes: McClain, Ellis, Bechtel, Jensen, Legband. Nays: Yerger, Jacobus. Motion carried.

#### **PUBLIC HEARINGS:**

4. Resolution 2019-139 for conditional use permit for the Dodge County Historical Society to expand May Museum for a carriage house exhibit building located at 1643 N. Nye Ave. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Yerger moved, seconded by Council Member Jacobus to approve Resolution 2019-139. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
5. Resolution 2019-135 for conditional use permit for Myra Katherine Hale for a conditional use permit to allow a child care center at 1949 E. Military Ave. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Jacobus moved, seconded by Council Member Legband to amend the Resolution to change the address to 1949 E. Military and the purpose to expand existing daycare Pearl Academy. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. Council Member Jacobus moved, seconded by Council Member Jensen to approve Resolution 2019-135 as amended. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
6. Resolution 2019-138 to approve the Class I Liquor License for Senor Tequila at 1680 E. 23<sup>rd</sup> Street. Council President Jacobus opened the public hearing. Council President Jacobus closed the public hearing after receiving comments from the public. Council Member Jensen moved, seconded by Council

Member Legband to approve Resolution 2019-138. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.

**CONSENT AGENDA:**

Moved by Council Member Jacobus seconded by Council Member McClain to approve items 8, 9, 12, 16, 19, & 24 of the consent agenda. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.

8. Dispense with and approve July 9, 2019 City Council and Community Development Agency Meeting Minutes, and July 23, 2019 Special City Council Meeting Minutes
9. Resolution 2019-141 to approve BLT Plumbing Heating & Air Conditioning, Inc. Final Acceptance of Construction of the Sanitary Sewer District No. SD-704-18 (staff report)
12. Motion to approve excavation/asphalt/concrete license applications (staff report)
16. Motion authorizing Special Designated License Local Recommendation form for United Way Kick Off (staff report)
19. Resolution 2019-144 authorizing City staff to sign a lease agreement with NMC for a Caterpillar Compact Track Loader (staff report)
24. Resolution 2019-148 to authorize staff to execute a contract with JEO Consulting for evaluation of the Fremont, Farmland and Railroad Levee (staff report)

**ITEMS REMOVED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION:**

18. Resolution 2019-143 for Final Acceptance of the Project for the Reconstruction of Luther Rd and Morningside Rd Intersection; and authorize Mayor to sign Pay Application No. 2 and Final Change Order. Council Member Jacobus moved, seconded by Council Member McClain to approve Resolution 2019-143. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
7. Motion to approve July 10, 2019 through July 30, 2019 claims and authorize checks to be drawn on the proper accounts. Council Member Jacobus moved, seconded by Council Member Jensen to move item number eighteen before item number seven for discussion. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. Council Member Jensen moved, seconded by Council Member Jacobus to approve the July 10, 2019 through July 30, 2019 claims and authorize checks to be drawn on the proper accounts. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
10. Resolution 2019-136 approving the request of the Fremont Area Chamber of Commerce to use the upper level of the Ilgenfritz Parking lot, and approve the application for a Special Designated Permit. Council Member Jacobus moved, seconded by Council Member McClain to amend the location to be the David Kavich parking structure. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. Council Member Yerger moved, seconded by Council Member Jacobus to approve Resolution 2019-136 as amended. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
11. Motion to approve payment agreement with Classic Enterprises for water loss. Council Member Jacobus moved, seconded by Council Member Legband to approve payment agreement with Classic Enterprises for water loss. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
13. Resolution 2019-137 approving the request of Keep Fremont Beautiful to use the Ilgenfritz Parking Lot at 4<sup>th</sup> and Park Avenue for the All Metals Market Drop site. Council Member Yerger moved, seconded by Council Member McClain to approve Resolution 2019-137. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.



14. Motion to approve appointments to the NENEDD Council of Officials. Council Member Jacobus moved, seconded by Council Member McClain to approve appointments to the NENEDD Council of Officials as presented. Ayes: McClain, Bechtel, Yerger, Jensen, Jacobus, Legband. Abstention: Ellis. Motion carried.
15. Motion to approve use of Clemmons Park by Fremont High School to host Junior Varsity Cross Country Meet. Council Member Yerger moved, seconded by Council Member Jensen to approve use of Clemmons Park by Fremont High School to host Junior Varsity Cross Country Meet. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
17. Resolution 2019-142 accepting and awarding contract of Saunders County Grading to Sawyer Construction Co. Council Member Jensen moved, seconded by Council Member Legband to receive into the record a map showing do not disturb, primary grading area and future range. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. Council Member McClain moved, seconded by Council Member Legband to receive into the record a zoning map and Saunders County Zoning Regulations. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. Council Member Yerger moved, seconded by Council Member Legband to receive into the record three maps of property in Saunders County showing parcels. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. Council Member Jacobus moved, seconded by Council Member Legband to continue the item to the last meeting in October 2019. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
20. Resolution 2019-145 authorizing City Staff to execute a contract with American Fence Company for the repair and replacement of 6400' fence at the Fremont Wellfield. Council Member Yerger moved, seconded by Council Member McClain to approve Resolution 2019-145. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
21. Resolution 2019-146 authorizing execution of a Professional Engineering Services Agreement with Fellsburg Holt & Ullevig (FHU) for the development of the Drainage Criteria Manual template. Council Member Jacobus moved, seconded by Council Member Jensen to approve Resolution 2019-146. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
22. Motion authorizing Special Designated License Local Recommendation form for Taco Smack Anniversary. Council Member Jensen moved, seconded by Council Member Bechtel to approve Special Designated License Local Recommendation form for Taco Smack Anniversary. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
23. Resolution 2019-147 authorizing the Mayor to sign the Northeast Nebraska Economic Development District (NENEDD) Service/Consultant Agreement for General Administration for Community Development Block Grant (CDBG) 18-PP-005. Council Member Jacobus moved, seconded by Council Member McClain to approve Resolution 2019-147. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
25. Resolution 2019-140 approving the request of Dan Layman to use the grassy area between East Military Avenue and the ditch on the south side of the Fremont Nazarene parking lot located at 960 N. Johnson Road for a Car Show. Council Member Yerger moved, seconded by Council Member McClain to approve Resolution 2019-140. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.

**NEW BUSINESS: requires individual associated action**

27. Resolution 2019-149 awarding City Auditorium Renovation Project bid to Cheever Construction. Council Member Jacobus moved, seconded by Council Member Legband to approve Resolution 2019-149. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.



28. Resolution 2019-150 to approve the recommendation from the July 30, 2019 Joint Water Management Advisory Board to authorize City Staff to assist the recommended engineering firm in submitting a HMGP application and if awarded, contract with the firm to develop a flood mitigation and resiliency plan to reduce the impacts of flooding on public and private infrastructure in Dodge County. Council Member Jacobus moved, seconded by Council Member Legband to approve Resolution 2019-150. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
29. Resolution 2019-151 to approve a financial commitment for a portion of the local match required by the Hazard Mitigation Grant Program. Council Member Jensen moved, seconded by Council Member McClain to approve Resolution 2019-151. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
30. Resolution 2019-152 to authorize City Staff to assist JEO Consulting in submitting a HMGP application and if awarded, contract with JEO to develop, execute, and administer a flood mitigation construction program. Council Member Legband moved, seconded by Council Member Jensen to approve Resolution 2019-152. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
31. Resolution 2019-153 to authorize City Staff to assist JEO Consulting in submitting a HMGP application and if awarded, contract with JEO to develop, execute, and administer a voluntary flood acquisition and demolition program. Council Member Legband moved, seconded by Council Member Jensen to approve Resolution 2019-153. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
32. Accept Traffic Committee Report and approve Resolution 2019-154 to remove "No Parking" signs from 18<sup>th</sup> Street immediately east of Main Street. Council Member Jensen moved, seconded by Council Member McClain to accept Traffic Committee Report and approve Resolution 2019-154. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
33. Ordinance 5497 amending Ordinance 5270 correcting the legal description of the approve planned unit development on property generally located at 1615 E. Military Ave. (first reading). Council Member Jacobus moved, seconded by Council Member Legband to introduce and hold first reading of Ordinance 5497. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. City Clerk provided first reading.
34. Ordinance 5498 to amend Section 5-902, Storage of Dismantled, Wrecked, Junked and Inoperable Motor Vehicle (first reading). Council Member Legband moved, seconded by Council Member Jensen to introduce and hold first reading of the Ordinance. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. City Clerk provided first reading.
35. Resolution 2019-155 accepting and awarding the bid to M.E. Collins Contracting Company for the construction of the Terminal Aircraft Parking Apron at the Fremont Airport. Council Member Jensen moved, seconded by Council Member Legband to approve Resolution 2019-155. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
36. Resolution 2019-156 to authorize to approval of Amendment No. 1 to the Professional Services Agreement for Engineering Services with Burns McDonnell in connection with the Aircraft Parking Apron at the Fremont Airport. Council Member Legband moved, seconded by Council Member Jensen to approve Resolution 2019-156. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
37. Resolution 2019-157 to authorize to approval of the Grant Agreement (No. 3-31-0029-012-2019) with the Federal Aviation Association in connection with the Aircraft Parking Apron at the Fremont Airport. Council Member Yerger moved, seconded by Council Member Jacobus to approve Resolution 2019-157. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
38. Executive Session to discuss personnel matters. Moved by Council Member Ellis, seconded by Council Member Jensen to go into executive session for the purpose of discussing personnel matters and for the



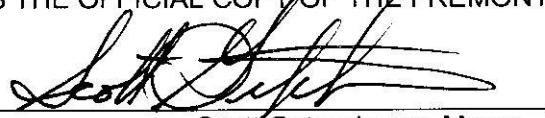
further reason that the executive session is necessary for the protection of the public interest. The Mayor stated a motion had been made and seconded to go into executive session for the purpose of discussing personnel matters and for the further reason that the executive session is necessary for the protection of the public interest and asked for discussion. There being none, the Mayor stated the pending motion was to go into executive session for the purpose of discussing personnel matters and for the further reason that the executive session is necessary for the protection of the public interest. Ayes: McClain, Ellis, Jensen, Bechtel, Yerger, Jacobus, Legband. Motion carried. The Mayor stated that there was a motion to go into executive session for the purpose of discussing personnel matters and for the further reason that the executive session is necessary for the protection of the public interest had been approved. Discussion will be limited personnel matters. No official actions or votes will be taken during the executive session. The Mayor stated that the executive session should include the City Attorney, Assistant City Administrator – City, and the Human Resources Director. Time in: 10:40 p.m. Moved by Council Member Jensen, seconded by Council Member Legband to come out of executive session where no official actions or votes were taken. Ayes: McClain, Ellis, Jacobus, Jensen, Bechtel, Yerger, Legband. Motion carried. Time out: 11:46 p.m.

39. Adjournment. Moved by Council Member Jacobus seconded by Council Member McClain to adjourn the meeting. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. Meeting adjourned at 11:47 p.m.

I, Tyler Ficken, the undersigned City Clerk, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the Clerk; that such agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; that such subjects were contained in said agenda at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by the members of the public; that the said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that this meeting was preceded by publicized notice in the Fremont Tribune and the agenda, including notice of study session, were displayed in the Municipal Building and distributed to the Mayor and Council on July 26, 2019 and is open to the public; that all news media requesting notification concerning meeting and the subjects to be discussed at said meeting and that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held.

APPROVED AND ACCEPTED THIS 13TH DAY OF AUGUST AS THE OFFICIAL COPY OF THE FREMONT, NEBRASKA CITY COUNCIL MINUTES FOR JULY 30, 2019.

  
Tyler Ficken, City Clerk

  
Scott Getzschman, Mayor